

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
JANUARY 7, 2009 AT 4:00 P.M.
MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Bryan Haza, Steve Ruble, Dennis Crider, Dick Gaynor, John Hatter, Roger Lang, Tom Wetherald, Rachel Quisenberry, Dave Bonnell, Ann DeVore, and Tom Finke (County Plan Commission Liaison).

Members Absent: None.

Staff Present: Jeff Bergman, Heather Pope, Sondra Bohn, Emilie Pannell, Rae-Leigh Stark, Laura Thayer, Thom Weintraut, and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the November 5, 2008 meeting.

Motion: Mr. Wetherald made a motion to approve the November 5, 2008 minutes. Ms. Quisenberry seconded the motion and it carried with a vote of 10-0.

Minutes of the December 3, 2008 meeting.

Motion: Mr. Gaynor made a motion to approve the December 3, 2008 minutes. Mr. Haza seconded the motion and it carried with a vote of 10-0.

Mr. Hatter arrived at the meeting at this time.

OLD BUSINESS REQUIRING COMMISSION ACTION

PUDF-08-04: Columbus Municipal Airport – a request by the Columbus Board of Aviation Commissioners to rezone a property of approximately 473 acres from CO (Professional Office), P (Public/Semi-public Facilities), I-1 (Light Industrial), I-2 (General Industrial) and I-3 (Heavy Industrial) to PUD (Planned Unit Development); and for approval of a Final PUD. The property generally consists of the non-aviation land of the Columbus Municipal Airport and is roughly located between Arnold Street on the north, Poshard Drive on the east, Chapa Drive on the south, and River Road on the west in the City of Columbus. This request was referred back to the Plan Commission by the City Council for consideration of modification to the PUD.

Mr. Gaynor left the meeting at this time due to a conflict of interest on this request

Mr. Bergman presented the background information on this request.

Mr. Bergman stated that this was an item that was considered at the November 5, 2008 Plan Commission meeting and was forwarded to the City Council with a favorable recommendation. The City Council approval includes a change in the setback requirements associated with the proposed 50 and 60-foot buffers.

Mr. Bergman stated the original proposal was a minimum building setback of 10 feet (measured from the buffer). He stated that in the new proposal by City Council the minimum building setback requirements would be equal to the height of the structure (measured from the buffer). Mr. Bergman stated that City Council passed the request and due to the change, it would have to be approved by the Plan Commission. He stated this would finalize the approval of the Planned Unit Development.

Mr. Rod Blasdell, Director of Columbus Airport and Ms. Brooke Moore with HNTB Corporation represented the petitioners.

Mr. Blasdell stated that the Aviation Board agreed with the modification to the PUD.

Mr. Fisher opened the meeting to the public.

Ms. Angie Miller stated she was concerned about safety issues with the size of the buffering that is being proposed.

Mr. Steve Abedian expressed concern about the height of the buildings and the size of the buffering. He stated he was concerned about the safety of the People Trails at the Airport.

Mr. Fisher closed the meeting to the public.

Mr. Wetherald asked if this would result in a negative appearance due to irregular buildings setback along the buffer.

Mr. Blasdell stated there would not be that many buildings constructed where this method would apply.

Mr. Bergman stated the buffer itself at will stay the same along that path and the variable will be the distance from the building to that buffer. He stated that viewed from the People Trail you could see the difference, but viewed from the Central Avenue on the other side you will not be able to perceive that.

Mr. Crider stated that perhaps it would push the parking areas toward the backside of the lots in this area.

Mr. Bergman stated he would recommend approval of this request as returned from the City Council.

Motion: Mr. Bonnell made a motion to approve the revision from the City Council that would include a change in the setback requirement associated with the proposed 50 and 60-foot buffers as follows: Minimum Building Setback- Equal to the height of the Structure (measured from the buffer). Ms. Quisenberry seconded the motion and it carried with a vote of 10-0.

Mr. Gaynor returned to the meeting.

MP-08-09: Meek/Bryant/Meek Minor Subdivision – A request by Jimmy Bryant to create 1 new lot for a total of 2 lots equaling 30.73 acres. The property is located on the west side of County Road 300 West, ± 540 feet south of State Road 58 in Wayne Township.

Ms. Rae-Leigh Stark presented the staff information on this request.

Mr. Mark Isaacs with Independent Land Surveying, Inc. represented the petitioner.

Mr. Isaacs stated that this project has taken several months and each member should have received a copy of the Minor Subdivision in their packets. He stated that the subdivision is creating 1 new lot for a total of 2 lots equaling 30.73 acres. Mr. Isaacs stated they are requesting relief from installing sidewalks along all street frontages.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that staff would recommend approval of this request, including relief of the sidewalk installation requirements.

Motion: Mr. Crider made a motion to approve this request and to grant relief of installing sidewalks. Ms. DeVore seconded the motion and it carried with a vote of 11-0.

ANX-08-06: William Marr Farms – a request by William Marr Farms to annex to the City of Columbus a property of approximately 191.36 acres. The property is zoned AP (Agriculture Preferred) and is located on the northeast corner of Taylor Road and U.S. 31 in Columbus Township.

RZ-08-15: William Marr Farms – a request by William Marr Farms to rezone a property of approximately 36.73 acres from AP (Agriculture Preferred) to CR (Regional Commercial). The property is located on the northeast corner of Taylor Road and U.S. 31 in Columbus Township.

PP-08-05: Marr Farms Major Subdivision – a request by William Marr Farms to create 4 new blocks for 1 lot and 4 blocks equaling 146.43 acres. The property is located on the northeast corner of Taylor Road and US 31 in Columbus Township.

Ms. Heather Pope presented the staff information on this request.

Mr. Ted Darnall with Crowder & Darnall Surveying, Mr. Randy Cooper and Mr. Charles Townsend with Cooptown, LLC. and Marty Mann with Landwater Group represented the petitioners.

Mr. Darnall stated that they had asked for a modification of installing sidewalks along the National Road frontage because of the widening of U.S. 31 by the State. He stated that it was the opinion of the developer that the best plan would be to wait for this project to be constructed. Mr. Darnall stated that they were asking for a modification that was to allow Agricultural Tract "C" to contain less than twenty acres. Mr. Darnall stated it would be difficult to maintain a 20-acre parcel to the north of the Regency Drive extension.

Mr. Darnall stated that they have not submitted a drainage plan as of this date. Mr. Darnall stated that this overall development plan has been submitted to the IDNR for approval

because almost all of the property is in a flood plain. He stated they would be the department that would approve the plan before any development could occur. Mr. Darnall stated that the application is in review, but they have heard nothing from DNR. He stated it would be counterproductive to have two parallel review processes going with the City Engineer and from IDNR at the same time. Mr. Darnall stated they would be submitting the drainage plan once it is approved at the State level. He stated they are asking for approval of the plat with the condition that it be approved by DNR.

Mr. Ruble stated that the plan for development of U.S. 31 does include the bridge over Clifty Creek and that sidewalks were not included in the current project south of the Taylor and 10th Street intersection. He stated the project is in the February 2009 bidding schedule. Mr. Ruble stated the current construction schedule has the first phase in 2009 and then the remainder of roadway expansion part would be in 2010.

Mr. Lang asked if the remaining property at the north end of the development would remain agricultural. Mr. Cooper stated that it was his understanding that this particular piece is not part of the purchase agreement, but the Marr Trust would maintain that as well of the some of the other tracts that are in the annexation. He stated the Marr Trust would entertain separate offers from other parties to acquire that particular portion.

Mr. Bonnell asked about the arrangements of the lots with regard to the placement of the detention ponds. Mr. Cooper explained the lot arrangement was designed around the detention ponds and developed by their hydrologist and surveyor.

Mr. Bergman stated there was a need to divide the property into parcels that would serve different purposes. He stated that some of the agricultural tracts would have storm water functions and it was his opinion that the northern 15 acres would not be agricultural for a long period.

Mr. Lang asked if they would be willing to withdraw the modification to install sidewalks on U.S. 31. Mr. Cooper stated they did not have enough information from the Department of Transportation regarding what they are doing at this site. He stated there is a concrete structure 200 feet from the intersection that we do not know whether it that will be wide enough to hold a sidewalk. Mr. Cooper stated the sidewalk would end at Clifty Creek. Mr. Cooper asked what purpose that would serve.

Mr. Lang asked how sidewalks in the area could be developed in the future. Mr. Lang stated that it was his opinion that this would not be the place to allow a modification for relief from sidewalks.

Mr. Bergman stated if there were issues with unknowns on the INDOT project in terms of placing a sidewalk in the right of way there would be other options available, such as providing a pedestrian route in an easement on site that serves a similar function. He stated that in this area a path could function as a sidewalk where people who live further to the east would have an opportunity to walk or bike into some of the commercial development. Mr. Bergman stated that a pedestrian connection rather than a typical sidewalk might be a more appropriate way to address this issue.

Mr. Wetherald asked how they would control the water and how it would be disposed of at this site. He expressed concern about flooding in this area and how would it effect this development.

Mr. Cooper stated that the Department of Natural Resources held a meeting to gather information from the neighboring property owners regarding the proposed development in the floodway. This meeting was for gathering information and no decision has been reached at this time by DNR.

Mr. Mann with Landwater Group stated that the water is coming from all different locations. Mr. Mann stated there were several restraints on the property and it would be his responsibility to contain them somehow with the proper drainage plan. He stated it would be necessary not to encroach on the floodway in a manner that would cause the level of Clifty Creek to increase on that site or on other people's property.

Mr. Mann stated that DNR has very strict standards and only allows the depth of water in 100-year floodway to increase by about one inch. He stated when they did the modeling for the DNR study they had to show they were not increasing the flood level more than that. Mr. Mann stated they were able to achieve that with the floodway mitigation pond. He stated the purpose of the pond is providing additional flow area for water as it moves to the site. He stated that the primary detention pond that will located at the corner of U.S. 31 and Taylor will clean the water and the flow will be reduced before it goes to Clifty Creek.

Mr. Mann stated that the floodway pond would solve multiple problems. It provides a source of dirt for fill, habitat for wildlife and helps create a buffer between the urban aspect of the site and the creek.

Much discussion was held regarding flooding in this area.

Mr. Lang asked how far along the engineering was for the planned extension of Regency Drive from the existing stub street to Taylor Road.

Mr. Mann stated that the extension for Regency Drive has not been included in the plan that was submitted to DNR for approval. Mr. Mann stated he was uncertain as to where that road design fell into the overall plans of this project. He stated if the road were constructed all the way across the flood plain, it would be difficult to elevate the road above the flood level because it cuts off the entire flood plain.

Mr. Ruble stated that the Engineering Department would recommend that Regency Drive be constructed, as part of the condition of rezoning for this site and it will be the responsibility of this developer as to whether they can make that happen. He stated it could be engineered to work and that would be a business decision for them. Mr. Ruble stated that the reason he was recommending that the condition be part of the rezoning is because from a monetary standpoint the remaining area to be developed could not support the cost of the street construction. Mr. Ruble stated this would be the responsibility of the developer.

Mr. Gaynor asked how much of the 36 acres would be raised to the new height standard. Mr. Mann stated the parking lot, buildings and access road would be raised above the flood level and the two ponds would be at a lower grade.

Much discussion was held regarding the placement of the ponds and the determination of the water level at this site.

Mr. Darnall stated that Agricultural Tract A and Agricultural Tract B are the area where the pond would be located.

Mr. Mann stated with the proper engineering and modeling that has been presented to IDNR, it was his opinion that this site would comply with the Zoning Ordinance and would meet the current flooding requirements. He stated there would be a complete drainage and storm water management plan filed with the City Engineer's Office.

Mr. Fisher asked if there would be right turn only off Taylor Road into the development and if there were any intersections proposed by the petitioners. Mr. Bergman stated that the applicant has proposed two full intersections, one at Regency Drive and one approximately, where the right-in and right-out drive goes into Chili's.

Mr. Cooper stated they wanted full access off Taylor Road opposite the Clifty Crossing shopping center. He stated that would be the main entrance to the commercial development for customers as well as commercial vendors. Mr. Cooper stated it was located closer to Taylor Road than the subdivision to the north. He stated that this would be the only acceptable solution for them. Mr. Cooper stated the secondary access would occur from Regency Drive. He stated they are proposing to extend Regency Drive a few hundred feet from Taylor Road to accept the service drive. Mr. Cooper stated they did not want to extend Regency Drive to the subdivision to the east. He stated their property did not meet the end of Regency Drive.

Mr. Bergman stated that the applicant has provided an engineering study that indicates that the access locations proposed are feasible. Mr. Bergman stated the proposed locations are not so much what is feasible, but what the best is. He stated this was about traffic on Taylor Road and the interaction between commercial and residential traffic. He stated there would be more traffic congestion if two additional stoplights were installed on Taylor Road.

Mr. Bergman stated that staff had recommended that a right in and right out only across from the Clifty Creek shopping center could serve the development. He stated that commercial traffic and customers would access the site away from the northbound traffic at the Regency Drive connection. He stated his opinion was this would be the best solution at this development.

Mr. Ruble stated that the applicant has had a traffic study done and they have been coordinating with the Engineering Department for four months. He stated that they have also provided a synchronization analysis to the office. He stated the study has indicated acceptable levels of service for those access points with the improvements that they have proposed.

Much discussion was held on traffic, stoplights and the access points into the development.

Ms. DeVore stated it was her opinion that there would be a tremendous increase in the traffic on Taylor Road with this development.

Mr. Fisher asked who would be responsible for developing Regency Drive. Mr. Ruble stated

his recommendation was Regency Drive would be developed as a condition of this rezoning and without the condition, he would not support the request.

Ms. Quisenberry left the meeting at this time.

Mr. Bergman stated that the preliminary plat shows the Regency Drive connection as it is shown on the adopted Thoroughfare Plan for the City. He stated they are required to include it on the Preliminary Plat as presented. He stated they could develop this project in phases and the first phase would include a portion of the road. Mr. Bergman stated that completion of the road could depend on future development if the petitioner is not required to complete Regency Drive with their initial development.

Much discussion was held regarding Regency Drive and whose responsibility it would be to construct the road.

Mr. Crider asked if the connection of Regency Drive is a necessity for the Thoroughfare Plan or a convenience for planning. Mr. Ruble stated that the Thoroughfare Plan considers this as a necessity for our transportation system in the City of Columbus.

Mr. Gaynor asked if the current economic situation would affect their ability to attract clients for the new development. Mr. Cooper stated he was committed to the project and would hope that the economy will improve.

Mr. Charles Townsend stated that the retailers that would locate in their development would be very particular about the site. He stated it was important that everything about the development be perfect for the shops. Mr. Townsend stated that the clients they are in talks with are high-end shops and have opportunities to go anywhere in the United States. Mr. Townsend stated the access issue is critical and the development would need full access off Taylor Road.

Mr. Fisher opened the meeting to the public.

Mr. David Mann stated he was concerned about drainage, traffic on South Drive, and additional empty retail space that was available in Columbus.

Mr. Brian Good provided the Plan Commission with a copy of pictures of the June 7, 2008 flood of the Marr property. He expressed concern about drainage and about the connection of Regency Drive causing more flooding to his property.

Mr. Jason Kelley expressed concern about the Regency Drive connection causing additional traffic on Regency Drive and additional flooding to his neighborhood if this development is allowed.

Ms. Nancy Sawin expressed concern about traffic on Taylor Road and does not want additional stoplights on Taylor Road.

Ms. Sue Gillespie stated she was concerned about additional flooding. Ms. Gillespie read a letter into the record opposing this development.

Mr. Dan Patton expressed concern about flooding and asked who would maintain the

retention ponds.

Mr. Jim Baute expressed concern about traffic added to South Drive, the addition of another stoplight, flooding, and where the retention ponds will be placed on the site.

Mr. Fisher closed the meeting to the public.

Mr. Ruble stated that since Regency Drive has been developed it has always been on the Thoroughfare Plan as a collector street and will be developed as a collector street. He stated he did not have numbers in front of him for a wider study that might give us an idea of what type of numbers they anticipate on this street.

Mr. Ruble stated that if signals were installed on Taylor Road they would be coordinated with the signal on U.S. 31 and that should help with the traffic flow. He stated it would provide a higher level of service than the existing signals provide.

Mr. Fisher asked who maintains retention ponds. Mr. Cooper stated there would be an agreement that would be entered into with the City of Columbus to establish the maintenance of the ponds. Mr. Cooper stated they have created separate parcels for the ponds and they will be acquiring the property where they are located.

Ms DeVore asks if the report from DNR was available at this time. Mr. Ruble stated that there is a pending DNR permit. Mr. Cooper stated it was submitted 45-60 days ago. He stated there was also a public hearing that DNR held with the neighbors present.

Mr. Bonnell asked if the model they submitted incorporated the connection of Regency Drive. Mr. Cooper stated the current plan and modeling that has been submitted to DNR does not include the extension of Regency Drive beyond the stub.

Mr. Bonnell stated that it was his opinion that it would have to be resubmitted if the connection of Regency Drive was a condition of the rezoning.

Mr. Fisher expressed concern that DNR does not have all of the information and perhaps this would be an incomplete process.

Mr. Lang stated that there was not enough information for him to approve this request at this time. He stated he would make a motion to deny or postpone until more data is provided to the Commission.

Ms. DeVore stated she could not approve this proposal.

Mr. Whitted stated that the developer needs direction from the Commission regarding the extension of Regency Drive.

Mr. Ruble stated he would not support this request without the connection of Regency Drive. He stated that it was his opinion that Regency Drive is a Collector Street and is an important part of our transportation infrastructure for the City of Columbus. He stated that this is the time to build Regency Drive.

Mr. Bonnell stated by putting the connection in for Regency Drive, it could create another

hazard and compound the problem. He stated he wanted to have DNR's approval before he would commit to the project.

Mr. Ruble stated he would not support the connection if he knew it would cause flooding and there is not sufficient information to make that determination.

Mr. Wetherald asked what the cost would be to install the connection to Regency Drive. Mr. Ruble stated much of it would depend on what it takes to mitigate the floodplain issues.

Ms. DeVore asked what it would take to include the connection of Regency Drive when it was submitted to DNR, since they are not looking at the correct modeling or plan at this point. Mr. Ruble stated that someone would have to redo the model that is submitted to DNR.

Mr. Darnall stated they could withdraw the petition, which would allow them to proceed at their own pace and not have a timetable to meet. He stated they would need some direction from the Commission that would give them more flexibility.

Mr. Lang stated there were a number of issues that needed to be addressed before they came back to the Plan Commission.

Mr. Fisher opened the meeting to the public.

Mr. Charlie Wells stated that he represented Marr Farms. He asked when the Thoroughfare Plan was adopted. Mr. Ruble stated it was 2003. Mr. Wells stated that all of this took place on Taylor Road 40 years ago and there was no good reason that Regency Drive needs to be connected. He stated it was time for the Commission to approve this request and move on.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that did not have enough information to make a recommendation.

Mr. Bergman stated the property owner should address the feasibility and cost of Regency Drive, as it was made clear from the beginning of this process that it was their responsibility to provide that information to the Commission. Mr. Bergman stated this should not be excluded from the project.

Mr. Bergman stated that the scope of the traffic study was needed to expand to address some of the issues that have been mentioned at this meeting from the public.

Mr. Bergman stated they needed to factor in if Regency Drive is built does it need to be narrow or does it need to follow a different path, and what sort of traffic calming measure could be included. He stated these were some of the issues that would need to be addressed.

Mr. Bergman stated that the pedestrian issue on U.S. 31 needs to be addressed.

Mr. Bergman stated that from a land use point of view it would be difficult to deny the appeal of this corner as a commercial site, but there are other factors that must be taken into consideration.

Mr. Cooper stated it was his opinion that the information from DNR would not be available at

the next meeting and they would need additional time to resubmit the new design and modeling for DNR.

Mr. Bergman stated it would be appropriate to continue this request to a specific date.

Mr. Ruble asked if the Commission wanted approval from DNR before they would approve the requests. He stated he was not sure they should wait for that approval. Mr. Bonnell stated that the Plan Commission could move it off the agenda more quickly and if DNR does not approve it would not be allowed to continue.

Mr. Bergman stated he would encourage the Commission not to make strong connections between the questions regarding the annexation, rezoning and the preliminary plat and the answer from DNR. He stated they were related but not that closely.

Mr. Ruble stated in the past DNR approval has not been required for this Commission to act on a request.

Motion: Mr. Ruble made a motion to continue ANX-08-06 to the April 2009 Plan Commission meeting in order for the applicant to provide the following additional information: (1) Concepts for a pedestrian connection along the U.S. 31/National Road frontage of the property, as an alternative to a sidewalk, (2) A design for the Regency Drive extension that provides the required connection while discouraging its use as a short-cut for cross-town trips, (3) An expanded traffic study that provides an indication of the anticipated impacts on South and Regency Drives, (4) Updated drainage and flood information that accounts for the construction of the Regency Drive extension, including any design limits for Regency Drive, (5) Any additional information on the effect that development of this site would have on future flooding and drainage on surrounding properties. Mr. Bonnell seconded the motion and it carried with a vote of 10-0.

Motion: Mr. Ruble made a motion to continue RZ-08-15 to the April 2009 Plan Commission meeting. Mr. Haza seconded the meeting and it carried with a vote of 10-0.

Motion: Mr. Bonnell made a motion to continue PP-08-05 to the April Plan Commission meeting. Mr. Haza seconded the motion and it carried with a vote of 10-0.

NEW BUSINESS REQUIRING COMMISSION ACTION

None

DISCUSSION ITEMS

Election of Officers for 2009

The Nominating Committee recommended Bryan Haza for President, Roger Lang for Vice President and Steve Ruble for Secretary.

Mr. Ruble made a motion to appoint these members as officers for the year 2009. Mr. Bonnell seconded the motion and it carried unanimously by voice vote.

Adoption of 2009 Calendar of Meeting Dates.

Mr. Fisher made a motion to adopt the 2009 Calendar of Meeting Dates. Mr. Ruble seconded the motion and it carried unanimously by voice vote.

Presidential Appointment of a Utility Review Committee Member.

Mr. Ruble made a motion to appoint Dave Fisher to the Utility Review Committee. Mr. Haza seconded the motion and it carried unanimously by voice vote.

Appointment of Plat Committee Members and Alternates.

Mr. Fisher made a motion to appoint John Hatter, Steve Ruble, and Jeff Bergman to the Plat Committee and to appoint Steve Rucker as Mr. Ruble's alternate and Laura Thayer as Mr. Bergman's alternate. Mr. Haza seconded the motion and it carried unanimously by voice vote.

Appointment of Bartholomew County Plan Commission Liaison.

Mr. Fisher made a motion to appoint Steve Ruble to the Bartholomew County Plan Commission as Liaison. Mr. Wetherald seconded the motion and it carried unanimously by voice vote.

Appointment of Board of Zoning Appeals Members.

Mr. Ruble made a motion to appoint Dave Bonnell to the Board of Zoning Appeals. Mr. Haza seconded the motion and it carried unanimously by voice vote.

DIRECTOR'S REPORT

Mr. Bergman stated he had placed in each packet a copy of the Rules and Procedures for the Plan Commission. He stated in the future there would be a meeting to discuss them.

Mr. Bergman reminded the Commission that the Annual City-County Plan Commission meeting held last October had resulted in the conclusion that several components of the Zoning Ordinance would benefit from revisions. He stated at the next meeting two ordinances will be included on the agenda to be discussed and acted upon.

LIASION REPORT

ADJOURNMENT: 7:40 p.m.

Dave Fisher, President

Steven T. Ruble, Secretary